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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,861	10/06/2000	Paul Bilibin	PSTM0024/MRK	2827

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EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/684,861

Applicant(s)

BILIBIN ET AL.

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20041217</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/04 has been entered.
2. Claims 1-10 and 14-18 have been amended. Claims 1-18 are pending in the current application.

Specification

3. Examiner points out the use of various trademarks throughout the specification, for example "iship.com", "iship", etc. Trademarks should be capitalized wherever they appear and be accompanied by the generic terminology. Examiner reminds the Applicant that although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner that might adversely affect their validity as trademarks. Therefore, Examiner requests that Applicant review the application and correct trademarks where necessary.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-12 and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Barni et al. (U.S. 6,064,981).

5. As per claim 1, Barni et al. teaches a shipping management computer system, said computer system programmed to:

in response to each respective request by each particular user of a plurality of users to ship a particular respective parcel, wherein each respective request includes a first address and a second address, determine a respective potential cross-comparison delivery schedule, said respective cross-comparison delivery schedule comprising a plurality of respective service-specific carrier-specific delivery schedules to ship the particular respective parcel from the first address to the second address, wherein each respective service-specific carrier-specific delivery schedule corresponds to a respective particular delivery service of a plurality of delivery services offered by a particular carrier of a plurality of carriers, wherein the shipping management computer system is accessed by each respective particular user via a communications network using a respective user client computer device (See at least figures 1 and 4, column 2, lines 1-10,

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column 3, lines 12-25 and 35-41, column 4, lines 40-55 and 61-65, and column 5, lines 15-30 and 35-61, wherein each user has a client terminal which he/she uses to connect to the system over a global communications network. Each user requests via the website information for a particular package (such as ship from, to information) and receives cross-comparison delivery schedule information for different carriers (such as Sea Land and Evergreen)).

6. As per claim 2, Barni et al. teaches a shipping management computer system, said computer system further programmed to:

calculate a respective shipping rate for each said respective particular delivery service to ship the particular respective parcel according to the respective service-specific carrier-specific delivery schedule (See at least figures 1 and 4, column 2, lines 1-10, column 3, lines 35-41, column 4, lines 40-55 and 61-65, column 5, lines 15-30 and 35-61, and column 6, lines 1-5, wherein a shipping rate for each particular delivery service is displayed by the system).

7. As per claim 3, Barni et al. teaches the shipping management computer system further programmed to:

in response to a user request by a respective particular user for a shipping rate and delivery schedule comparison, generate a display of an online, interactive prompt to a display monitor configured with the respective user client computer device of the respective particular user, said online interactive prompt comprising a simultaneous cross-comparison of said respective shipping rates, the display of each respective shipping rate corresponding to a display of the respective service-specific carrier-specific delivery schedule for the particular delivery service to ship the particular respective parcel (See at least figures 1 and 4, column 2, lines 1-10,

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column 3, lines 12-25 and 35-41, column 4, lines 40-55 and 61-65, and column 5, lines 15-30 and 35-61, which discloses a display).

8. Claims 4, 5, and 6 recite equivalent limitations to claims 1, 2, and 3, respectively, and are therefore rejected using the same art and rationale as applied above.

9. Claims 7, 8, and 9 recite equivalent limitations to claims 1, 2, and 3, respectively, and are therefore rejected using the same art and rationale as applied above.

10. As per claim 10, Barni et al. teaches a shipping management computer system for:

allowing a user to request a package delivery service by providing shipping specifications (See at least figures 1, 4, and 7-9, column 2, lines 1-10, column 3, lines 12-25 and 35-41, column 4, lines 40-55 and 61-65, and column 5, lines 15-30 and 35-61, wherein the package delivery service is requested using at least the shipping channel, the ship from, and the ship to specifications of the specific parcel);

receiving said shipping specifications from said user (See at least figures 4 and 7-9, column 2, lines 1-10, column 4, lines 15-22 and 40-55 and 61-65, and column 5, lines 15-30 and 35-61, wherein the user navigates the system using these specifications);

identifying, from a plurality of carriers, a subset of carriers based on said shipping specifications, each of said subset of carriers being capable of satisfying said shipping specifications by providing said package delivery service to said user (See at least figure 4, column 2, lines 1-10, column 4, lines 15-22 and 40-55 and 61-65, and column 5, lines 15-30 and 35-61, wherein carriers that fit the information are identified);

identifying a first carrier from said subset of carriers and a first set of shipment types provided by said first carrier (See at least figures 4 and 7-9, column 2, lines 1-10, column 4, lines

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15-22 and 40-55 and 61-65, and column 5, lines 15-30 and 35-61, wherein a first carrier and a first set of shipment types (such as shipping channel, weight, load type, etc.) are identified);

determining a first set of delivery schedules according to which said first carrier would be able to satisfy said shipping specifications, each one of said first set of delivery schedules corresponding to at least one of said first set of shipment types and comprising a delivery date and a delivery time (See at least figures 4 and 7-9, column 2, lines 1-10, column 4, lines 15-22 and 40-55 and 61-65, and column 5, lines 15-30 and 35-61, wherein the system determines and displays a first set of delivery schedules for the first carrier, such as Sea Land for a full container load and 20 foot container ships on 06/12/99 and must be at the port on 06/10/99 at noon. This would vary by type, as seen in figure 4);

calculating a first set of service charges by said first carrier, each one of said first set of service charges calculated based upon at least one of said first set of shipment types provided by said first carrier (See at least figures 4 and 7-9, column 4, lines 5-22 and 40-55 and 61-65, and column 5, lines 15-30 and 35-61, and column 6, lines 1-20, wherein a service charge is calculated by type for the first carrier);

displaying to the user said first set of delivery schedules, said first set of service charges, and said first set of shipment types (See at least figures 4 and 7-9, column 4, lines 5-22 and 40-55 and 61-65, and column 5, lines 15-30 and 35-61, and column 6, lines 1-20, wherein the information is displayed);

identifying a second carrier from said subset of carriers and a second set of shipment types provided by said second carrier (See at least figures 4 and 7-9, column 2, lines 1-10, column 4, lines 15-22 and 40-55 and 61-65, and column 5, lines 15-30 and 35-61, wherein a

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second carrier and a second set of shipment types (such as shipping channel, weight, load type, etc.) are identified);

determining a second set of delivery schedules that said second carrier is capable of providing to said user, each one of said second set of delivery schedules corresponding to at least one of said second set of shipment types and comprising a delivery date and a delivery time (See at least figures 4 and 7-9, column 2, lines 1-10, column 4, lines 15-22 and 40-55 and 61-65, and column 5, lines 15-30 and 35-61, wherein the system determines and displays a second set of delivery schedules for the second carrier, such as Evergreen for a full container load and 40 foot container ships on 05/31/99 and must be at the port on 05/12/99 at noon. This would vary by type, as seen in figure 4);

calculating a second set of service charges by said second carrier, each one of said second set of service charges calculated based upon at least one of said second set of shipment types provided by said second carrier (See at least figures 4 and 7-9, column 4, lines 5-22 and 40-55 and 61-65, and column 5, lines 15-30 and 35-61, and column 6, lines 1-20, wherein a service charge is calculated by type for the second carrier); and

displaying to the user said second set of delivery schedules, said second set of service charges, and said second set of shipment types (See at least figure 4, column 4, lines 5-22 and 40-55 and 61-65, and column 5, lines 15-30 and 35-61, and column 6, lines 1-20, wherein the information is displayed).

11. As per claim 11, Barni et al. teaches a shipping management computer system wherein said shipping specifications comprise a package weight, a package size, an origin, and a

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destination (See at least figures 4 and 7-9, wherein the specifications includes package weight, size, origin, and destination)

12. As per claim 12, Barni et al. discloses a shipping management computer system wherein said shipping specifications further comprise a shipping date (See at least figures 4 and 7-9, wherein the specifications include a shipping date).

13. As per claim 14, Barni et al. teaches a shipping management computer system wherein the respective potential cross-comparison delivery schedule comprises a respective delivery date and a respective delivery time for each respective particular delivery service of the plurality of delivery services offered by each respective particular carrier of the plurality of carriers at which to deliver the particular respective parcel (See at least figures 4 and 7-9, column 2, lines 1-10, column 4, lines 15-22 and 40-55 and 61-65, and column 5, lines 15-30 and 35-61, wherein a delivery date and time, such as Evergreen for a full container load and 40 foot container, ships on 05/31/99 and must be delivered to the port on 05/12/99 at noon. Package tracking is available and estimated arrival times, see column 5, lines 35-67).

14. Claims 15 and 16 recite equivalent limitations to claims 2 and 3, respectively, and are therefore rejected using the same art and rationale applied above.

15. As per claim 17, Barni et al. teaches a shipping management computer system, wherein each respective service-specific carrier-specific delivery schedule corresponds to a schedule for a particular delivery service offered by a particular carrier to deliver the particular respective parcel (See at least figures 1 and 4, column 2, lines 1-10, column 3, lines 12-25 and 35-41, column 4, lines 40-55 and 61-65, and column 5, lines 15-30 and 35-61, wherein the displayed

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information corresponds to a particular service by a particular carrier (such as the shipping channel of port-to-port by Evergreen at a specific size)).

16. As per claim 18, Barni et al. teaches a shipping management computer system, wherein said respective cross-comparison delivery schedule comprises a respective service-specific carrier-specific delivery schedule for each particular delivery service of the plurality of delivery services offered by each carrier of the plurality of carriers, wherein each said particular delivery service would provide delivery of the particular respective parcel (See at least figures 1 and 4, column 2, lines 1-10, column 3, lines 12-25 and 35-41, column 4, lines 40-55 and 61-65, and column 5, lines 15-30 and 35-61, wherein the displayed information corresponds to a particular service by a particular carrier (such as the shipping channel of port-to-port by Evergreen at a specific size). Each provides delivery of the parcel).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barni et al. (U.S. 6,064,981).

18. As per claim 13, Barni et al. teaches a shipping management computer system wherein said shipment types include sea port-to-port, air port-to-port, and land point-to-point (See at least figure 4). However, Barni et al. does not expressly disclose that the first set of shipment types comprises ground shipment, next day-air shipment and express shipment.

Barni et al. discloses the shipment types include sea port-to-port, air port-to-port, and land point-to-point in at least figure 4. Ground shipment, next day-air shipment and express shipment are all well-known types of shipment services in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include these shipment types as option types in the system of Barni et al. in order to more efficiently allow a customer to evaluate competitive prices for shipping by placing all possible shipping options and prices in one consolidated location. See at least column 2, lines 1-10.

Response to Arguments

19. Applicant's arguments with regards to the rejections based on Barni et al. (U.S. 6,064,981) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that (1) Barni et al. only displays a cross-carrier comparison according to a user first selecting one of the delivery services, unlike the claimed invention and (2) claim 10 recites displaying a first set of delivery schedules, service charges, and shipment types for a first carrier as well as a second set of delivery schedule, service charges, and shipment types for a second carrier, which is distinguishable from the requirement that a user first select a delivery service.

Before responding the argument (1), Applicant is reminded that Examiner is affording the claims their broadest reasonable interpretation. Claim 1, for example, recites that in response to a request by a user to ship a parcel (the request comprising a first and second address), a cross-comparison delivery schedule comprising a plurality of service-specific carrier-specific schedules to ship the parcel is determined. Each of these service-specific carrier-specific schedules corresponds to a particular delivery service offered by a particular carrier. Therefore, Examiner points out that the request of the user comprises at least a first and second address.

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After the system receives this request, a schedule is determined with multiple service-specific carrier-specific schedules. Therefore, the schedule generated includes schedules that are specific to both the service and the carrier. Examiner points out that the other independent claims 4 and 7 recite equivalent limitations to claim 1.

Therefore, in response to argument (1) of the Applicant, Examiner respectfully disagrees. Applicant has stated that unlike the claimed invention, Barni et al. only displays a cross-carrier comparison according to a user first selecting one of the delivery services. However, it is unclear as to how this differs from the invention as claimed. As discussed above, the claimed system receives a request and generates a schedule including multiple service-specific carrier-specific schedules. In figure 4, Barni et al. receives a request via the system's interface wherein the user specifies the wanted service type and the "to" and "from" locations (i.e. the request) and the system displays a schedule with multiple schedules per carrier per service. For example, in the lower section of the display of figure 4, Barni et al. discloses four distinct schedules for the carrier "Sea Land" and four distinct schedules for the carrier "Evergreen". Each of these eight displayed schedules are carrier specific (i.e. particular to "Evergreen" or "Sea Land") and service-specific (i.e. each of the eight is specific to port-to-port servicing, at a specific price, load, container size, etc.). Therefore, Barni et al. does teach and suggest the invention, as claimed. If something more specific is meant by each of the terms "request", "carrier-specific", "service-specific", Examiner suggests reciting it in the claims.

As per argument (2), Examiner is not exactly clear as to what specifically the Applicant is arguing. As set forth above, the claim limitations do not bar the inclusion of delivery service in the request. In fact, claim 10 recites that the user request package delivery service by providing

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shipping specifications. Barni et al. allows the user to enter the to and from information, thus shipping specifications. A first carrier is identified by shipment type. Barni et al. discloses the shipment types of sea, land, or air. However, examiner points out that since the terms type and specifications are very broad, sea, land, or air could also be included as a shipping specification with the shipment type being load and container size. Barnie et al. displays for the first carrier the schedules by which the carrier would be able to satisfy the shipping specifications and the rate for each schedule. This is done for multiple carriers. Therefore, Barnie et al. does teach and suggest the limitations of claim 10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



bvd

January 5, 2005


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